

ROOT CAME TO POUREN'S AID

ASKED A REHEARING BECAUSE OF NEW EVIDENCE

Says Poren's Counsel Erred in Presenting the Case and Failed to Show That the Offenses Were Political—Russian Government Opposes New Hearing.

Jan Janoff Poren, the Russian refugee who has been held for extradition since August upon the demand of the Russian Government, appeared yesterday as an international figure when the contents of letters Secretary of State Root wrote to Jacob H. Schiff and to United States Commissioner Shields concerning the legal status of Poren's case were made public. The Secretary stated in plain terms that he had requested a rehearing of Poren's case before Commissioner Shields because of the strength of affidavits submitted to him which tended to show that Russia was trying to secure custody of Poren because of political rather than criminal offenses, as charged in the original demand.

Secretary Root pointed out in his letter to Mr. Schiff and the Commissioner that through error of Poren's counsel in the hearings before the Commissioner, which resulted in a verdict against the Russian refugee, the political character of the man's offenses had not been brought out in evidence. An appeal to the State Department, made by the counsel and several of the accused Russian revolutionists' friends, had shown to the Secretary that what had been charged against Poren as criminal offenses might reasonably be construed to cover his activities while engaging in the revolutionary outbreak in the vicinity of Riga three years ago. Mr. Root wrote to Mr. Schiff on October 18:

"Of course this Government does not for a moment contemplate sending Poren or any one else back to Russia or to any other country to be tried for a political offense. You will perceive that the delay in deciding the case far from being injurious to Poren has been altogether favorable to him for the purpose of giving him an opportunity to prove his real defense, which he failed to prove originally."

The Magistrate's decision was against Poren, and it appeared when the law officers of the Department announced the result that no substantial evidence had been produced before the Magistrate to show that the offenses charged against Poren were political, so that if the State Department had acted promptly in the case it would have been obliged to decide that the Magistrate's decision was correct upon the evidence and to issue a warrant for Poren's extradition.

In replying to Mr. Schiff's question concerning the attitude of this Government toward Russian discrimination against Americanized Russians with passports who seek to return to their native land, Mr. Root wrote:

"Our Government has never varied in its insistence upon such treatment (the equality of treatment for all Americans in Russia) and this Administration has consistently brought the matter to the attention of the Russian Government and urged the making of a new treaty for the purpose of regulating the subject. We have but recently received an unfavorable reply to this proposal, and we have now communicated to Russia an expression of the desire of this Government for a complete revision and amendment of the treaty of 1832, which provides for reciprocal rights of residence and travel on the part of the citizens of the two countries. We have expressed our view that such a course would be preferable to the complete termination of the treaty, subjecting both countries to the possibility of being left without any reciprocal rights—whatever order to the delay in making the new treaty."

In requesting Commissioner Shields to reopen Poren's case Secretary Root reviewed the error Poren's counsel had made in not submitting affidavits showing the political character of the offenses against the prisoner by the Russian Government in evidence before the Commissioner. The letter continues:

"The evidence which counsel now offer is clearly of a kind which should have been submitted to the Commissioner at the hearing when full opportunity was afforded, in order that such portions of it as might be found proper should become a part of the record and so be considered by the Commissioner in reaching his determination to release or to hold the fugitive. Since as to the merits the only defense offered by the accused in this case appears to be that the offenses with which he is charged are political in their character, and since the plain intent of the law would practically deprive him of his defense at the hearing, and since, further, if the offenses are really political extradition for their commission is expressly prohibited by the treaty, it would seem that the plain intent of the law would call for this evidence were now altogether excluded from consideration."

The courts have in the past repeatedly held fugitives against whom a demanding government failed in the first instance to establish an extraditable offense to wait the production of further evidence by the demanding government, and fugitives have afterward been surrendered upon such evidence so produced. Fair play and justice would appear to require that the fugitive in a proper case should be given similar reasonable opportunities."

It would seem therefore that the fugitive should not under these circumstances be punished for his counsel's mistake, but should be given every reasonable opportunity to present such further evidence as may have a bearing upon this question of political offense."

When Poren and his present counsel, Congressman Herbert Parsons, appeared before Commissioner Shields yesterday morning, Frederic R. Coudert, counsel for the Russian Government, represented by the Consul-General in this city, made a protest against the reopening of Poren's case by the Commissioner. He said that since the Commissioner had already ruled that Poren should be deported he had no power to listen to the introduction of further evidence and to revise his former decision. Mr. Parsons contended that the Commissioner had the right to listen to the evidence that should be introduced to prove the political character of the offense, robbery and murder charges standing against Poren.

Commissioner Shields adjourned the hearing until this afternoon to give Mr. Coudert opportunity to file a brief.

LONG HUNT FOR BURGLARS.

Entire Brooklyn Block Kept Awake—Chase Finally Yields Two Boys.

Two burglars who had been surprised in a store at 362 Fifth avenue, Brooklyn, played hide and seek for four hours yesterday morning with the reserves of the Fifth avenue precinct and with many residents of the Park slope, who could not sleep because of a bunch that the men were hiding in their back yard. Light flashed up all along Sixth street, between Fifth and Sixth avenues, after the reserves arrived in answer to a telephone call from Dr. Lawrence P. Skelly, who got alarmed when some of his neighbors threw up their back windows and bombarded the shadows.

Edward Van Pel, who said that he was 15 years old and lived at 573 Baltic street, was pulled finally from beneath a stoop at 363 Sixth street. He made a partial confession—said that he had laid "kiggys" for another man who went into the store and took goods, about \$30 worth of razors and knives. Patrick St. Germain, 17 years old, of 125 Fifth avenue, was arrested later. The police say he was another man.

WANT CARS TO 242D STREET.

Brooklyn Residents Ask Federal Court for a New Ruling.

Arguments on the motion made on behalf of residents of The Bronx asking the Federal court to modify its order under which Receiver Whitridge of the Union Railway Company interpreted the franchise held by that road as requiring the carrying of passengers for a single fare to 232d street and White Plains road only were heard yesterday afternoon by Judge Lacombe in the United States Circuit Court.

The contention of counsel for the Bronx residents is that the franchise of the Union Railway Company requires the latter to run its cars from 129th street through White Plains road to 242d street for a single fare. For some time, however, the road has been running cars to 232d street only, where passengers were required to change to the cars of the Westchester Electric Company and pay a second fare to the city line. The road running from 232d street to 242d street are owned by the Westchester company, and hitherto there has been an agreement between the two roads whereby both used the same tracks. The terms of the franchise require the Union company to run cars to 242d street, even though it be compelled to build its own tracks for that purpose.

Counsel for Receiver Whitridge and the bondholders and stockholders of the Union Railway Company do not attempt seriously to deny the interpretation put on the franchise by the Bronx residents. Herbert J. Blockford, counsel for Mr. Whitridge, said that the road would rather take its chances at forfeiting the franchise than to undertake to run its cars the additional distance. The franchise is not a profitable one, he declared. Henry C. Henderson, counsel for Judge Penfield and other Bronx residents, wanted to know why the company didn't relinquish it. There was no reply to the query, and Judge Lacombe reserved decision, giving the various counsel five days in which to submit briefs.

NAVY MEN HIS ACCUSERS.

Former Department Clerk Up for Passing Bad Checks.

James S. Walker, a former clerk in the office of the paymaster general of the United States navy in Washington, was in the Tombs Police Court yesterday on the charge of passing a worthless check. The complainant against Walker was John Nordhouse of 120 Broadway, secretary to Paul Morton, formerly secretary of the navy.

The amount of the check cashed by Nordhouse was \$30, but the police say that Walker gave at least four other bad checks in the city and a dozen or more in Baltimore. Most of the money is said to have gone on the horses at the Pinocchio track.

About September 15, soon after Walker lost his job in Washington, he showed up in Baltimore. Then he came on here. On October 1, it is alleged, he got Mr. Nordhouse to cash the check, saying he had been staying at an uptown hotel and needed money to get home. The check was drawn on the Commercial National Bank of Baltimore and came back marked "No account."

All the persons who, it is stated, cashed Walker's checks at one time or another have had business with the Navy Department, and as persons in Baltimore had complained to the Navy Department about the checks given them, circulars describing the young man and his methods of passing bad checks were sent to the H. W. Johns-Manville Asbestos Company at 98 John street trying to get a check cashed when he was arrested.

He was held for trial. He said he had been employed in the Navy Department for ten years. His wife, he said, lived at 1871 V street, Washington, D. C.

LAKE MOHONK CONFERENCE.

Dr. Brown on the White Man's Burden—How to Educate Indians.

LAKE MOHONK, N. Y., Oct. 21.—Dr. Elmer Ellsworth Brown, United States Commissioner of Education, in his address as presiding officer of the Mohonk conference this morning said that the "white man's burden" means broad and large education and that to educate a dependent people in reality is to learn how better to educate white people. The dependent people learn first the white man's virtues and only the white man's virtues can combat those vices. The white man's morality and religion must be acquired or the dark man is doomed. What is needed to-day, he said, is that the education for the higher life should be given to every Indian. Four men and four women actively engaged in the education and uplift of Indians were introduced by Francis E. Sapp, Commissioner of Indian Affairs. Special attention was given to the employment of Indian men and women on reservations, to the breaking up of liquor peddling, to the contrary to law and the stamping out of tuberculosis in the several tribes. The Commissioner does not favor large Indian schools in the East. He believes that it is wiser to send Indians to the Indian schools to bring them long distances from their homes to be educated. It is a great temptation, he said, for the superintendent of a school to receive students in order to receive the \$167 given by the Government for the education of each child.

Miss Clara D. True of southern California, leader of her success in breaking liquor selling gangs, arresting the law-breakers and sending them to prison. Dr. Sheldon Jackson, who introduced reindeer in Alaska, and Dr. George L. Spink, who has made a special study of homeless Indians in California, were among the evening speakers.

CENTRAL PARK COON HUNT.

Pet From the Avenue Caged After a Bramble Chase.

There was a raccoon hunt in Central Park yesterday. It started on the east side of the park opposite Seventy-second street, where the quarry first attracted public attention. The animal apparently had escaped from a residence on Fifth avenue near the Seventy-second street entrance and had its eye on one of the park trees when a small boy discovered it and shouted that he had found a fox.

A man tried to grab the animal by its bushy tail, but the coon whirled around and bit him till he let go. Then men and women children chased it over the lawns, through the bushes and down the paths. It tried several times to climb a tree but was too fat to do so quickly. Finally it got down near the menagerie and ran behind Jacob's restaurant. Signor Maroni, the restaurateur, ran out and fired a shot at the fat game. The coon's teeth were sharp enough to make the chef yell and run back to the restaurant.

Head Keeper Snyder and Keepers Hurton and Coughlin surrounded the coon in a clump of bushes, roped it and shut it up in a cage.

Noise Fighters Got the Wrong Man.

Residents of West Ninety-third street who have for a year or more complained of the noise and smells in the vicinity of 51 to 55, where there is a public garage that was supposed to be converted into a coal yard, lost three points in their fight yesterday afternoon in the Court of Special Sessions when Goodman was acquitted of the charge of maintaining a nuisance.

Other similar cases were discharged on their own recognizance.

Goodman got off because he said he was not responsible for the noise as the garage was conducted by a corporation.

2 Blocks on Sixth Avenue O'NEILL-ADAMS Co. 20th, 21st & 22d Streets Established Forty-One Years. Gold Standard Stamps are redeemable in either Merchandise or Premiums. Double Gold Standard Stamps with Purchases Made Before 12 o'Clock To-day. Single Stamps after 12 o'Clock.

Big Shipment Just Arrived The Famous W. L. Douglas Almost Perfect Shoes for Men \$2.59 Choice \$2.59 per pair. The best assortment we have had in months of these world-famous Shoes is here for your selection. All the Famous Leathers, all the Noted Douglas Styles. Sizes for Everybody. A large stock of these well known Shoes has just arrived. They are termed "factory damaged," having some slight surface blemish from the handling, but not enough to affect their wearing qualities or appearance. Our salesmen are often unable to point out the defects, they are so slight. Splendid Values in Men's Shoes at \$1.98 About five hundred pairs of Douglas Factory Damaged Shoes and four other makes of strictly perfect Men's Shoes, in the newest Fall shapes; special at Adams Building—Basement.

LONG TERM FOR MARRIN.

Judge Dike Fixes Lawyer's Sentence at Not Less Than Fifteen Years.

Frank C. Marrin, alias Judge Franklin Stone, the former Brooklyn lawyer who skipped out thirteen years ago after making away with \$70,000 belonging to Mrs. Caroline Barry, a client, and who was convicted of forgery before Judge Dike and sent to Sing Sing yesterday for an indeterminate period of not less than fifteen nor more than twenty years.

In imposing sentence Judge Dike said in part: "For thirteen years the charge contained in this indictment upon which you were tried has hung over your head. We know something of your life during this time. We know that you fled to Honduras, from which place it was impossible, as you knew, to be extradited. We know that you returned to this country and joined your family in Chicago, where you were there engaged in certain business schemes of a doubtful character; that you left Chicago for Philadelphia, where as 'Judge Franklin Stone' you conducted business with methods of such daring high finance that you now stand convicted in the Federal court of that district of conspiracy. It is not for any wrong committed, however, in other States nor other crimes committed here for which I shall now sentence you. It is not because you have snatched one name and record of the Brooklyn bar by the base betrayal of your client's trust, but simply and solely for the crime of forgery in the first degree."

Ex-Surrogate Church, counsel for Marrin, immediately secured an order directing District Attorney Clarke to show cause why a certificate of reasonable doubt should not issue. Mr. Clarke pointed out that the order was not good, as it was signed by Justice Gaynor, and as it was signed by the Justice of the Peace of the Appellate Division, and Chapter 479 of the Laws of 1907 takes away the power of that division to sit in cases of reasonable doubt. According to the law, the Justice of the Peace sitting at Special Term must hear such cases. Arrangements were made finally whereby the order signed by Justice Gaynor is made returnable before Justice Stapleton sitting at Special Term.

INSANE AS LOVER IS BURIED.

Girl Who Said McDonald Shot Himself Cries "Why Did I Do It?"

The body of Edward McDonald, who was found dead on Monday afternoon in his home at 115 Greenpoint avenue, Brooklyn, with a bullet wound in his head, was buried yesterday in Calvary cemetery. While services were being held in the church of St. Anthony, Nalgie Waldron, the girl who attempted to kill herself because of the shooting, was in the observation ward of the Kings County Hospital, whither she was removed early yesterday morning from the Eastern District Court.

The girl called continually for McDonald to come to her and at other times she asked to be buried with him. Frequently she would cry out "Oh, why did I do it?" According to Coroner's Physician Charles Wuest, who made an autopsy on the body of McDonald, the young man could not have shot himself as Mrs. Waldron declared to the police he did.

Coal Comes by Erie's Cutoff.

The Erie Railroad put in service yesterday the first ten miles of the forty-mile Guyard freight line through the Shawangunk Mountains east of Port Jervis. The first train consisted of sixty-one hopper cars loaded with anthracite coal, the train having a total weight of 4,296 tons and being pulled by one locomotive. The new line from Port Jervis to Howell. On the old line the average train load for one engine was 500 tons. It is expected that the other thirty miles of the cutoff will be completed and ready for use by the first of the year.

Buy \$9,000,000 Rock Island 4s.

Speyer & Company announced yesterday the purchase of \$9,000,000 first and refunding mortgage 4 per cent. bonds of the Chicago, Rock Island and Pacific. The bonds mature in 1934. It was said that the proceeds would be used in retiring maturing obligations of subsidiary companies and for betterments and improvements. The bankers have had an option on the bonds for several weeks.

UNIFORM BILLS OF LADING NEXT YEAR.

The railroads east of the Mississippi which had decided to put the new uniform bill of lading regulation into effect on November 1 have postponed operation of the rule to January 1. The postponement was made at the request of many shippers, who declared it was impossible for them to secure the new forms of bills of lading by November 1.

Knickerbocker Ice Again Defers Dividend.

CHICAGO, Oct. 21.—After a protracted meeting to-day directors of the Knickerbocker Ice Company again decided to defer payment of the semi-annual dividend of 3 per cent. on preferred stock, due July 1 last.

President John S. Field said: "In view of the fact that the collateral notes of the company mature next February, the directors have thought it the part of prudence to delay the payment of the dividends until arrangements are completed for renewal of the notes. Such arrangements are now substantially finished and when completed the dividends, which have been fully earned will be paid."

The last annual statement shows that the amount of these notes outstanding aggregated \$1,811,000.

Court-Martial for Lieut. Dukes.

Lieut. Tom P. Dukes of Company B of the Ninth Coast Artillery, National Guard, has been ordered tried before a general court-martial to meet at the Ninth Regiment Armory on Monday night, October 27. It is likely that the trial will be postponed. The charges against Lieut. Dukes were preferred by Capt. Arthur M. Tompkins of Company B and mainly grew out of the failure of the Lieutenant to perform his duty with the regiment in the coast defense exercises at Fort Wadsworth last summer.

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